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MEMORANDUM

To: Chairperson Thomas
Members of the House Committee on Education

From: Jason B. Long, Senior Assistant Revisor

Date: February 16, 2023

Subject: HB 2322 – Revising the definition of "children with disabilities"

House Bill No. 2322 (HB 2322) would amend K.S.A. 72-3404, which is the statute that provides relevant definitions for the Special Education for Exceptional Children Act (SEECA). The federal Individuals with Disabilities Education Act (IDEA) generally governs how public schools provide special education and related services to students who have an individualized education program (IEP). The SEECA provides additional governance of how special education and related services are provided in Kansas. Generally, the state act includes many of the provisions of the federal law and also acts as a "gap filler" for those areas not specifically covered by the IDEA.

HB 2322 pertains to the definitions used in the SEECA. These definitions are generally the same as those provided under the IDEA. This includes the definition of "children with disabilities." Currently, under both federal and state law, this term is defined by a list of various disabilities. One such disability is emotional disturbance. HB 2322 proposes to change the name of this disability to "emotional disability."

HB 2322 further defines "emotional disability" to mean the same as the term "emotional disturbance" is used under the IDEA. Therefore, the basis for the categorization of students in Kansas with this particular disability will not be different than what is provided under current law, but the category label will be changed from "emotional disturbance" to "emotional disability."

If enacted, HB 2322 would become effective on July 1, 2023.